

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68918 of 2023

Arising Out of PS. Case No.-231 Year-2022 Thana- KOCHADHAMAN District- Kishanganj

Binod Sah @ Chamaru @ Chmara Sah @ Vinod Lal S/O Baldev Sah @
Baldev Prasad Sah R/O Sukarna, P.O. Shishabari, P.S.-Rauta, District-Purnea.

... .. Petitioner/S

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar, Adv.

For the Opposite Party/s : Mr. Amitesh Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 25-01-2024 Heard learned counsel for the petitioner and the learned
A.P.P. for the State.

2. Petitioner apprehends his arrest in connection with Kochadhaman P.S. Case No. 231 of 2022 dated 13.09.2022, registered for the offence punishable u/s 399, 402 of the I.P.C. and Section 25(1-b)1/26/35 of the Arms Act, pending in the court of learned Chief Judicial Magistrate, Kishanganj.

3. As per the prosecution case, the allegation against the petitioner is that he along with other miscreants have planned to commit crime. Police raided and caught two of them, on search, A loaded pistol having 5 live cartridges in the magazine, Rs. 10,000/- cash and a Samsung Mobile were recovered from the possession of co-accused Naresh Chandra Goldar and three live cartridges and Rs. 3000/- cash were



recovered and a motorcycle from Md. Shaeel.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has been falsely implicated in this case due to previous grudge. The allegations levelled against the petitioner is general and omnibus in nature. He further submits that co-accused Naresh Chandra Goldar is a land broker and he identified as vendor of the sale deed dated 28.01.2019 executed in favour of the petitioner. Since then, petitioner is in dispute with him due to which co-accused has named the petitioner in the present case. The co-accused Naresh Chandra Goldar @ Harsha has disclosed the name of the petitioner and others as accomplice who fled away from the place of occurrence. Petitioner has one criminal antecedent as mentioned in para 3 of the bail application.

5. Per contra, learned APP for the State vehemently opposed the bail petition and submitted that there is ample evidence against the petitioner and co-accused in his confession before the police has named the petitioner that he is also involved in the present case. The allegations levelled against the petitioner is serious in nature, hence he does not deserve anticipatory bail.

6. Considering the facts and circumstances of case, the



nature of offence is serious, I am not inclined to enlarge the petitioner on bail. The prayer for bail of the petitioner is hereby rejected.

7. However, if the petitioner surrenders before the learned Court below within six weeks from today and seek regular bail, the learned Court below shall pass order on the same day in accordance with law without being prejudiced by this order.

(Anjani Kumar Sharan, J)

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